

DECISION RECORD
PINE NUT MOUNTAINS HERD MANAGEMENT HORSE GATHER PLAN
IN CARSON, DOUGLAS AND LYON COUNTIES, NEVADA

Environmental Assessment
DOI-BLM-NV-C020-2010-0019-EA
Clan Alpine, Pilot Mountain and Pine Nut Herd Management Area Gather Plan

BACKGROUND

The Bureau of Land Management (BLM) Sierra Front Field Office (SFFO) has determined to implement a wild horse gather within the Pine Nut Mountain Herd Management Area (HMA) located on public lands in Carson, Douglas and Lyon Counties, Nevada. The HMA includes portions of the Clifton Canyon, Eldorado Canyon, Hackett Canyon, Mill Canyon, Rawe Peak, Churchill Canyon, Sunrise and Buckeye livestock grazing allotments. The HMA consists of approximately 98,580 acres with 90,900 acres of public lands and 7,680 acres of private lands. Approximately 67 excess wild horses are established within non-HMA areas.

The Appropriate Management Levels (AMLs 119-179 horses) in the Pine Nut Mountain Herd Management Area Plan (HMAP) were developed by an in-depth analysis of habitat suitability, resource monitoring and population inventory data. The AMLs for the HMA were established through the allotment evaluation and Final Multiple Use Decisions (FMUD) process. A population inventory conducted in 2008 documented 177 horses in the HMA. The current population estimate is 215 horses. There are approximately 67 horses established within non-HMA areas including approximately 17 horses that frequent private property and public roadways creating a serious safety hazard for both people and horses.

Wild horse removals in the Pine Nut Mountains HMA were conducted in 2000, 2003, 2006, 2007, 2008 and 2009. The 2000 gather removed 40 problem horses established within non-HMA areas, the 2003 gather removed 232 excess horses inside and outside of the HMA, the 2006, 2007, 2008 and 2009 gathers removed 51 problem horses on private lands outside of the HMA. The wild horses established on private property outside of the HMA were removed to resolve private landowner complaints and to provide for public and wild horse safety. At least several horses are injured or killed by vehicles in or adjacent to the private lands annually. Treating approximately 45 head of mares with the fertility control PZP-22 will facilitate AMLs.

The Proposed Action Alternative is to gather approximately 185 wild horses. Remove approximately 67 excess horses established within non-HMA areas, treat approximately 45 mares with fertility control vaccine and release 118 horses back into the Pine Nut Mountain HMA. The Proposed Action Alternative is consistent with the Carson City Consolidated Resource Management Plan (CRMP), facilitates the AML management objectives and maintains a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required by the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended). The BLM intends, if necessary, to return to the HMA in 2-3 years to gather and re-treat the mares to maintain the population control measures. The Proposed Action Alternative decision is a site-specific action located on public lands administered by the BLM Carson City

District Office (CCDO). The gather has been planned with input from the interested public and users of public lands.

The potential environmental impacts from the Proposed Action Alternative and No Action Alternatives were evaluated in the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Areas Gather Plan Environmental Assessment (EA) (DOI-BLM-NV-C020-2010-0019-EA). The Proposed Action Alternative has no known effects on the human environment. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action Alternative were not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

DECISION

Based on the analysis in the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Areas Wild Horse Gather DOI-BLM-NV-C020-2010-0019-EA, it is my decision to implement the Proposed Action Alternative for the Pine Nut Mountain HMA wild horse gather, effective immediately pursuant to 43 CFR § 4770.3(c). The Proposed Action Alternative will maintain the prescribed AML within the Pine Nut Mountain HMA while ensuring the continued viability of the herd. Wild horses above the AML and established within non-HMA areas are considered “excess” and subject to gather and removal. I have concluded that gathering the excess horses found within non-HMA lands necessary to preserve or maintain public health and safety, a thriving and natural ecological balance and multiple-use relationship within the HMA as specified in the CRMP and as directed by the 1971 WFRHBA as amended. This decision is contingent on meeting all monitoring, mitigation measures, Standard Operating Procedures (SOPs) for population-level fertility control treatments, and SOPs for Wild horse (or burro) gathers addressed in the DOI-BLM-NV-C020-2010-0019-EA (Appendices A, B and EA section 5.0 Monitoring and Mitigation Measures). All reasonable precautions will be taken to avoid injury to the horses and to ensure the safety of personnel involved in gather operations and the observing general public.

AUTHORITY

The Proposed Action Alternative is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs.

The Proposed Action is in conformance with the 1971 WFRHBA as amended (by the Public Rangelands Improvement Act of 1978), and the applicable implementing regulations at 43 CFR §4700, §4700.0-6 Policy, 43 CFR §4710.3-1-Herd Management Areas, 43 CFR §4710.4-Constraints on Management, 43 CFR §4720.1 - Removal of excess animals from public lands, 43 CFR §4740.1-Use of Motor Vehicles or Aircraft, and 43 CFR §4700.0-6-Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat, 43 CFR 4770.3(c) – Decisions to remove wild horses or burros from public lands shall be effective upon issuance or on a date established in the decision in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship.

The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, county, State, tribal governments and other federal agencies.

PUBLIC INVOLVMENT

The EA was made available for public review and comment on August 23, 2010. Letters were sent to individuals, organizations and agencies listed on the Carson City District Office (CCDO) Wild Horse and Burro Program mailing list. Notification of the availability of the EA was made through the Nevada State Clearinghouse. The CCDO published news releases to the *Lahontan Valley News*, *This is Reno*, *My News 3**, *My News 4**, *Reno Gazette-Journal** (*web versions) and the *Mineral County Independent*. The BLM comment period closed on September 23, 2010, although comments received in a timely manner after this date were also considered. The EA was made available by hard copy at the CCDO, and on the website at:

http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html.

Comment letters from the public, organizations and agencies were received by email, fax and mail delivery. All comments were reviewed, considered and then categorized. Comment letters were broken down into categories. A summary of the Consolidated Public Comments and BLM Responses are noted in Appendix G of the Final EA. Several minor changes were made to the content of the Final EA.

RATIONALE

Upon analyzing the impacts of the Proposed Action Alternative and following issuance of the EA for public review, I have determined that implementing the Proposed Action Alternative will not have a significant impact to the human environment and that an environmental impact statement is not required. Refer to the attached finding of No Significant Impact (FONSI).

The gather is necessary to remove excess wild horses from within the HMA and from non-HMA areas to maintain the established Pine Nut Mountain AML ranges and to facilitate fertility control measures. The BLM is required to manage multiple uses in a manner that avoids degradation of the rangelands, maintain a thriving natural ecological balance between wild horses, wildlife, livestock and resolve public health and safety concerns. The Proposed Action Alternative will achieve the Wild Horse management objectives identified in the CRMP.

APPROVAL

The Pine Nut Mountain HMA Horse Gather is approved for implementation immediately, and the gather is approved to begin on or about mid November or early December, 2010 and take six (6) days to complete. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 9c) because removal of excess wild horses is necessary to protect animal health and prevent deterioration of rangeland resources.



Linda J. Kelly, Manager
Sierra Front Field Office
Carson City District Office

10-20-10

Date

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Linda J. Kelly, Sierra Front Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.